IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11469 of 2004

Between:

Srisailam Left Bank Hydro Electric Sheme Contract workers & Employees Union, Regd.No.a-3495, rep. By its General Secretary, Affiliated to A.P.E.E.Union Regd. NO.1104, Recognized Office,Srisailam Project Dam West, Mahabubnagar Dist.

..... PETITIONER

AND

1 The General Manager (Human Resources) A.P.Power Generation Corporation Ltd., Vidyut Soudha, Hyderabad.
2 The Chief Engineer/O&M, A.P.Power Generation Corp.Ltd.,Srisailam Project, Mahabubnagar Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus call for the records connected with the Memo No.GM/(HR)/OG (Ser)/AS(L)/TB.1/LF-472/2001 dt.31-05-2001 of the 1st Respondent and declare the action of the Respondents in not engaging the members of the petitioner union as contract Labours in pursuance of the Memo Dt.31-05-2001 of the 1st Respondent and under the provisions of the Industrial Disputes Act, 1947 as arbitrary, illegal and in violation of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.P.SRIDHAR RAO

Counsel for the Respondents: SMT.K.SESHARAJYAM

The Court made the following :

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.11469 OF 2004

O R D E R:

The petitioner Union filed this writ petition in the nature of writ of Mandamus seeking a direction to the respondents to consider the case of its members by engaging them as Contract Labour.

It is the case of the petitioner-union that though the petitioners put up 10 to 12 years of service, the respondents engaged several new persons as contract labours, contrary to the Memo No.GM/(HR)/OG(SER.)/AS(L)/TB.1/LF-472/2001, dated 31.05.2001 of the 1st respondent-General Manager (Human Resources) and terminated their services as per the provisions of the Industrial Disputes Act, 1947. It is also stated in the affidavit that in spite of the proceedings issued in B.P.Ms.No.37, dated 18.05.1997 by the respondents seeking permission of the Member of the erstwhile Board to sanction 354 posts under their control, they gave appointments to only 110 persons. In spite of the demands made by the petitioner Union by way of filing a representation for absorption of its members, no action has been taken by the respondent authorities. Hence, this writ petition is filed.

In view of the above facts and circumstances of the case, the writ petition is

disposed of directing the petitioner-Union to file a detailed representation within a period of two weeks from the date of receipt of a copy of this order by giving the list of its members to engage them as Contract Labour. As and when such a representation is filed, the 1st respondent shall consider and dispose of the same in pursuance of the memo dated 31.05.2001 within a period of eight weeks there after. No order as to costs.

17.08.2004

tjs

c.c.in 10 days.

Sd/-MOHD.MAHMOOD ALI

ASST.REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager (Human Resources) A.P. Power Generation Corporation Limited, Vidyut Soudha, Hyderabad

2. The Chief Engineer/O & M, A.P.Power Generation Corporation Limited, Srisailam Project, Mahabubnagar District

3. 2 CD copies

4. One CC to Mr.LP.Sridhar Rao, Advocate.

GPK